

FROM THE DESK OF
KATRINA STARK SOUCY

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Watershed Management Bureau:DES
29 Hazen Dr.
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Dear Sir or Madam:

It is fortunate that the *Souhegan River Water Management Plan Report* proposed by NH Department of Environmental Services is termed a draft because it is in need of major revision. The plan fails to provide vital information in areas and requires further study on several important issues. In the state's desperate attempt to preserve the Souhegan River and clean up Milford's chemical waste dumps that have rendered the aquifer useless, the state has willingly sacrificed upstream privately-owned wetlands and forests. By the state's own admission, it is a pilot program so experimental in its concept that it lacks adequate parameters to provide upstream landowners with solid information to make informed decisions during negotiations. In fact the

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plan weighs so heavily in favor of the state and the water users that it ignores basic landowners rights, leaving the State of NH vulnerable to lengthy and costly lawsuits.

Major flaws in the plan are listed below starting with a quote from the actual plan and followed by comment. (Page number corresponds to the page on the CD.)

Protected instream flows were developed separately for the two portions of the Souhegan Designated River due to the differences in the river's characteristics upstream and downstream of North River Road Bridge and just east of the Wilton and Milford line. (p. 10)

The relief flow pulses carried out under Dam Management Plans in the Water Management Plan will be coordinated by DES and managed by DES as the owner of the pertinent dams. The Conservation Plans and Water Use Plans will be conducted by AWUs in response to stream flow conditions. Those flow conditions will be from the USGS gage 01093852 near Milford for the upper Souhegan Designated River and USGS gage 01094000 at Merrimack for the lower Souhegan Designated River. (p.12)

The proposed management is inadequate for the Upper Souhegan Designated River. The gage near Milford only allows for data collection at a point where much use of the water has already taken place. DES needs to collect data points at several points upstream, not only to ensure that AWUs are following their conservation plans, but also to protect upstream river environment that most likely will be negatively impacted by the increase in river flow due to the two day release. There is no management plan relevant to silt build-up, erosion damage, property damage, wet-land destruction, and public hazard.

By artificially creating the effects of a small storm event, this release of water resets the instream flow system. (p.49)

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If the catastrophic events is found to increase, the long term watershed-scale management actions may be required to off-set or reduce the frequency of these events. (p. 49)

The first line needs to be removed from the plan because it is false. There is no small storm that would create the flow of water anticipated in the release of 118 ac-ft from Site 35 and an additional 500 ac-ft from Site 19. The plan is confusing upstream effect with the downstream effect. As the DES noted before, upstream and downstream flows are two separate entities. While the downstream flow would reflect a small storm situation considering tributary swelling, a two day release from two sites in the upstream area would cause a rush of water totally foreign to this vulnerable environment.

In addition, DES is not limiting the amount of water anticipated to flow. If the need increases downstream, more water will be stored and released. This is so experimental, that it ignores the irreparable damage to property, environment, and landowner's rights. It totally leaves DES in charge of property that does not belong to the state.

DES would decide to fill the two impoundments following spring runoff. Management events from late spring through early fall bioperiods (from May first to Sept. thirtieth Clupeid Spawning, GRAF Spawning, and rearing and growth bioperiods) will be supported by shared releases from Souhegan River Site 19 and Site 35, and in an emergency, from Souhegan River Site 12A South. (p. 50)

Using Site 12A South as the backup contingency site necessitates that Site 12A be ready in an emergency. This would call for permanent storage at this sight at all times throughout the season. The plan lacks any information on the effect this would have on this site, whereas preliminary testing was done on Sites 19 and 35. Also, there is no mention of the effect storage and release at this site would have on the role of this reservoir as the supplier for public water to the Town of Greenville.

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The proposed management actions will be coordinated by DES in cooperation with the Affected Water Users and the Affected Dam Owners. (p.81)

Adaptive management and other changes to the Water Management Plan may be made after its adoption if need for a correction is based on discussions between DES and Affected Water Users or Affected Dam Owners. (p.81)

There is a process for petitioning for a change to the Water Management Plan under Env-Wq 1906.08, Petition for Changes to an Adopted Water Management Plan. This process for revising the Water Management Plan through a petition to DES was made comprehensive in order to provide sufficient information to make a determination and to avoid frivolous change requests. This comprehensive process in the rules has lead to concern that, once adopted, modifying the Water Management Plan for minor changes would be an overly burdensome and perhaps prohibitive process. (p.82)

If a waiver was approved, the Water Management Plan would be updated by a revision without the requirement of a public hearing and formal re-adoption process. (p. 82)

Ours is not a totalitarian government. Ours is a democratic government. It needs to be noted here that the landowners at the impoundment sites not only own the land under the water, but they also pay taxes on the land under the water. Removing landowner's rights for representation clearly violates constitutional rights. Landowners need to be involved in decision making with equal say and equal voting capacity, not lowered to the level of petitioning. The word frivolous needs to be removed from the document. It is offensive. In addition, the public has a right to know what the state plans to do with privately owned land. Public hearings and formal re-adoption process will not be removed from the basic rights of citizens and landowners.

Based on a review of information available from the New Hampshire Natural Heritage Bureau, (NHNHB), there do not appear to be any federal or state-listed Rare, Threatened, or Endangered (RTE) species or any Ex-

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emplary Natural Communities in the vicinity of the site. As a result, they would not be affected by an increase of water levels at the site. (p. 240)

Since the duration and timing of the increased water elevations aren't known, the extent of the impact to the existing wetlands is also unknown. But it is believed that if the water levels were raised by 5-10 feet through the growing season repeatedly, there could be a net loss of vegetated wetlands. (p. 241)

The storage of water at the Site 35 Dam above its permanent pool level may not result in a significant loss of wetland at the site. A preliminary analysis of the impact of the higher water elevations (4 feet) showed that the loss of existing emergent wetlands might be offset by increases in forested and shrub-scrub wetland around the impoundment along with the development of additional wetlands along the tributary streams (Fox Brook and Stark Brook). (p.250)

Whereas the plan includes in-depth analysis of river environment, it totally ignores the importance of wetlands. Investigations are inconclusive to the point that the preliminary tests lacked a summary and only included data collection without comprehensive interpretation to make the study reader-friendly. The wetlands have never been studied by a professional for endangered species. Also, because the proposal by DES is experimental, damage to the wetland is unknown. Once lost, the wetlands cannot be replaced because drainage will continue year after year which will permanently destroy the environment. Replacing current wetland with new wetland is not a viable alternative in this situation and also means a loss in prime buildable waterfront land to the landowner.

The upper portion of the river corridor downstream of the dam to Smithville is lightly developed and there are three small impoundments within this section of the West Branch. In this section, the West Branch passes below both Taylor Road and Page Hill Road. During a flow management release from the dam, some of the flow may be temporarily stored in the impoundments, but due to their small size this impact should be relatively small. (p.250)

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Not only will current wetlands be destroyed, but this portion of the brook has houses right along the river's edge. Their foundations will wear away from the repeated bursts of water flow. Also, the town roads are at water level and will be damaged by erosion. Persons downstream from the dam are not to be notified of release times according to the plan causing a huge public hazard.

This summary is but a small look at the problems and inadequateness of the proposed plan by DES. The plan ignores landowners' rights and ignores upstream importance. Once damaged, this pristine, upstream, water-side, buildable property cannot be replaced. Many of these tracts of land have been in families for generations and are therefore priceless. Removing property owners rights is intolerable. It goes without saying that DES needs to investigate alternate plans such as purchasing land along the Wilton/Milford corridor now owned by the Norris Company and the Fini Company. Also, DES needs to investigate the use of water towers or home use of cisterns in the Milford region.

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It is offensive that the Schedule for Dam Management Plan Implementation is simply:

This Dam Management Plan will be put into practice after adoption of the Souhegan River Water Management Plan and after the completion of the outlet structure. (p.241)

There is no reference to the need to negotiate with landowners.

Sincerely yours,

Katrina Stark Soucy